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PHILLIP ROMERO

STATE OF NEW MEXICO  
IN THE DISTRICT COURT  
COUNTY OF VALENCIA

Case No.:  
Judge: Hon.

THOMAS MARTINEZ

Plaintiff,

D-1314-CV-2014-00235

v.

PLAINS TRANSPORTATION, INC., and ANDRES ARRELLANO  
Defendants.

**COMPLAINT FOR PERSONAL INJURY**

COMES NOW Plaintiff Thomas Martinez, by and through his attorney of record Amavalise F. Jaramillo, Esq., and in support of his complaint for personal injury states as follows:

I. FACTS:

- 1) Plaintiff Thomas Martinez is a resident of Valencia County, New Mexico.
- 2) The motor vehicle collision forming the basis of this complaint occurred in Valencia County, New Mexico.
- 3) Jurisdiction and Venue are proper in Valencia County, New Mexico.
- 4) Defendant Plains Transportation, Inc., is a Texas Corporation that engages in full service transportation of goods in the continental United States.
- 5) On September 5, 2012, Defendant Andres Arellano was an employee or other person under the control and supervision of Defendant Plains Transportation Inc.
- 6) On September 5, 2012, Defendant Andres Arellano was driving a Plains Transportation semi-trailer from its point of origin to Lowes Supermarket in Belen, New Mexico.

EXHIBIT A

- 7) At around 7<sup>th</sup> Street and Reinken Mr. Arrellano attempted to turn from the outside lane into the Lowes parking lot.
- 8) While attempting to turn Mr. Arrellano struck a Ford Taurus being driven by Plaintiff Thomas Martinez.
- 9) Mr. Arrellano was acting within the scope of duties as an agent of Plains Transportation Inc., when his semi-truck collided with Plaintiff's car.
- 10) Mr. Arrellano and Plains Transportation Inc., owed a duty to exercise due care and caution and drive in a safe and prudent manner.
- 11) Mr. Arrellano and Plains Transportation Inc., owed a duty to look out for other vehicles.
- 12) Mr. Arrellano and Plains Transportation Inc., owed a duty to follow all local, state and federal traffic statutes, and ordinances.
- 13) Mr. Arrellano and Plains Transportation Inc., breached the duties enumerated in the paragraphs above as well as other duties established by common law.
- 14) As a result of Defendants' breach Plaintiff suffered serious personal injury including a complex advanced SLAP tear to his superior labrum.
- 15) As a result of Defendants' breach Plaintiff has suffered or will suffer past and future medical expense, past, present and future pain and suffering, and loss of pleasure and enjoyment of life as well as hedonic damages and past and future lost earnings and lost earning capacity in excess of \$75,000.00.

WHEREFORE, Plaintiff asks this Court for an award of compensatory damages, incidental damages, consequential damages and all other relief in law and equity that the Court deems just and proper including attorney's fees, and pre and post judgment interest.

Respectfully submitted:

/s/ Amavalise F. Jaramillo

Attorney for Plaintiff

P.O. Box 28

Tome, NM 87060

Ph: 505-304-0405

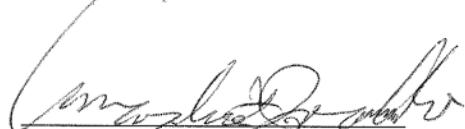
Fax: 505-916-0377

**VERIFICATION**

STATE OF NEW MEXICO                          )  
    )  
    )        ss.  
COUNTY OF VALENCIA                          )

Amavalise F. Jaramillo, being first duly sworn upon oath, deposes and states:

That I have read, know, and understand the contents of the foregoing pleading, and the statements therein are true and correct to the best of my knowledge and belief.



Amavalise F. Jaramillo

SUBSCRIBED AND SWORN TO before me this 25<sup>th</sup> day of Feb, 2014.



Chanelle R. Sandoval  
NOTARY PUBLIC

My Commission Expires: JULY 18, 2017



OFFICIAL SEAL  
Chanelle R. Sandoval  
NOTARY PUBLIC-STATE OF NEW MEXICO

My commission expires: 7/18/17

SUMMONS	
<b>Thirteenth Judicial District Court</b> Valencia County, New Mexico <b>Court Address:</b> 1835 Highway 314 SW P.O. Box 1089 Los Lunas, NM 87031 <b>Court Telephone:</b> (505) 865-4639	Case Number: D-1314-CV-2014-00235  Judge: Division III
Plaintiff(s)/Petitioner(s): Thomas Martinez  v. Defendant(s)/Respondent(s): Plains Transportation, Inc. and Andres Arrellano	Defendant/Respondent Name: Andres Arrellano c/o Plains Transportation, Inc. (Jane Grip or Registered Agent) 6699 S. Washington Street Amarillo, TX 79118

**TO THE ABOVE NAMED DEFENDANT(S)/RESPONDENT(S):** Take notice that:

1. A lawsuit has been filed against you. A copy of the lawsuit is attached. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Court's address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Los Lunas, New Mexico, this 5<sup>th</sup>, day of February, 2014.  
 CLERK OF COURT

By: /s/ Kristin Elkins-Feldbusch  
 Deputy

/s/ Amavalise F. Jaramillo  
 Signature of Plaintiff/Petitioner or Attorney  
 Name: Amavalise F. Jaramillo  
 Address: PO Box 28  
 Telephone: 505-304-0405  
 Fax: 505-916-0377  
 Email      Address:Amavalise@yahoo.com



THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

RETURN

STATE OF NEW MEXICO )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner: (check one box and fill in appropriate blanks)

[ ] to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

[ ] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[ ] to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

[ ] to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

[ ] to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

[ ] to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_, (*title of person authorized to receive service. Use this alternative when the defendant is a*

*corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

\_\_\_\_\_  
Signature of person making service Fees: \_\_\_\_\_

\_\_\_\_\_  
Title (*if any*)  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,

Judge, notary or other officer authorized to administer oaths \_\_\_\_\_ Official Title \_\_\_\_\_